

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33969 of 2020

Arising Out of PS Case No.-137 Year-2020 Thana- SITAMARHI District- Sitamarhi

1. Safida Khatoon, aged about 68 years, female Wife of Late Halim Ansari.
2. Kila Khatoon @ Sajrana Khatoon, aged about 25 years female, Wife of Firoj Ansari.
3. Afsana Khatoon, aged about 25 years, female, Wife of Lala Ansari @ Sakib Ansari.
4. Tabjina Khatoon @ Tabija Khatoon, aged about 35 years, female, Wife of Md. Salam Ansari.

All are resident of Village-Muraliya Chak Ward No.3, PS-Sitamarhi, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Uday Kumar, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Sitamarhi PS Case No. 137 of 2020 dated 25.02.2020, instituted under Sections 363 and 366A/34 of the Indian Penal Code.

4. The allegation against the petitioners is that they were party to the kidnapping of the daughter of the informant with the intention of marrying her with the son of petitioner no. 1, namely, Rizwan Ansari.



5. Learned counsel for the petitioners submitted that petitioner no. 1 is the mother of Rizwan Ansari whereas petitioners no. 2, 3 and 4 are the aunties of Rizwan Ansari. It was submitted that there was no abduction and the girl had herself eloped with Rizwan Ansari and both of them had gone away somewhere.

6. Earlier, the Court had required the Superintendent of Police, Sitamarhi to send a report as to whether the son of the petitioner no. 1 was traceless and not in contact with the families, especially the petitioners.

7. Pursuant to the aforesaid direction, learned APP submitted that a report has been received from the Superintendent of Police, Sitamarhi dated 11.06.2021, which has also been forwarded to the Court. He submitted that the girl has been recovered and her statement has also been recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that on her own accord, she had left her house with Rizwan Ansari and had voluntarily married him at Jaipur and no one had kidnapped her and that she had also given birth to a child who was aged about five months, out of such wedlock and has further expressed her desire to go to her husband's house and the learned Chief Judicial Magistrate, Sitamarhi had passed an order to release



her to go to her choice place and accordingly, the police had handed her to the elder cousin of Rizwan Ansari, namely Nizam Ansari.

8. At this juncture, learned counsel for the petitioners submitted that now when the girl had been recovered and the Court has also directed that she go to the place she desires and she has chosen to live with the son of petitioner no. 1, the petitioners are willing and ready to accept her as their daughter-in-law along with the child. It was submitted that they undertake that she and the child shall be kept in the matrimonial home with full dignity, honour, security and love and all her needs shall be taken care of and shall be given her due place in the household/family.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, District-Sitamarhi in Sitamarhi PS Case No. 137 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of



the petitioners, (ii) that the bailors and the petitioners shall execute bond with regard to good behaviour of the petitioners and (iii) that the petitioners shall give an undertaking to the Court that the daughter of the informant shall be kept in the matrimonial home along with her child with full dignity, honour and security and that all her needs shall be taken care of and further, that she shall be free to talk to or meet anyone she desires, without any let or hindrance by the petitioners or their family members. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

10. It shall also be open for the informant/her guardian and prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

11. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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